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US DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

BLEAUREGARD KASADU

Plaintiff

v.

MID-WILLAMETTE VALLEY

COMMUNITY ACTION AGENCY

Respondent

) Case No. 6:25-CV-00324-AA

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COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

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IV. The Parties to This Complaint

1. The Plaintiff

Name: Bleauregard Kasadu

Address: 694 Church Street NE Salem, OR 97301

County: Marion

Telephone Number: 503-383-2811

Email Address: D4vyJ0n3513@outlook.com

2. The Defendant

Name: Mid-Willamette Valley Community Action Agency

Address: 2475 Center Street NE Salem, OR 97301

County: Marion

Telephone Number: 503-585-6232

V. Basis for Jurisdiction

3. Under 28 U.S.C. § 1331 and 42 U.S.C. § 1983, Plaintiff is bringing a civil claim to this court against Defendant for the deprivation of fundamental civil rights secured by the US Constitution.

4. Section 1331 allows Plaintiff to bring forward a civil claim in this court based on federal questions regarding the 1st, 4th, 9th, and 14th Amendments to the US Constitution.

5. The State Action Doctrine applies standards and considerations to determine if the actions of an entity constitutes the actions of the state, wherein those actions are subject to constitutional requirements.¹ Claims of civil rights violations by a private entity acting as a state actor may be brought forward in this court, pursuant to Section 1983.

6. Defendant is a state actor in their operations generally and at Salem Navigation Center ("the shelter") because they are a community

¹ Legal Information Institute, State Action Doctrine, Cornell Law School website (accessed Feb. 18, 2025); <https://www.law.cornell.edu/constitution-conan/amendment-14/state-action-doctrine#fn2amd14>

1 action agency (CAA), and their operations as well as interconnections with
2 government passes 4 tests used to determine state actor status; the Public
3 Function Test, Nexus Test, State Compulsion Test, and the Entwinement
4 Test.
5

6
7 7. Section 1983 allows defendants to be found liable only when they
8 have acted “under color of any statute, ordinance, regulation, custom, or
9 usage, of any State or Territory or the District of Columbia.”
10

11 8. Defendant acted under OAR 813-230-0005(2), ORS 458.505(1)(a),
12 (4), OAR 813-270-0000, and ORS 190.010(3) by executing authority as a
13 CAA under contracts with OHCS and City of Salem to operate the Marion
14 County Rapid Rehousing Program (MCRRP) and Transitional Shelter
15 Program (TSP) at the Salem Navigation Center. Deprivation of civil rights
16 occurred within such operation.
17

18
19 9. Plaintiff alleges that Defendant violated his right to privacy and to
20 form intimate associations under the 1st, 4th, 9th, and 14th Amendments to
21 the US Constitution by applying Article “Social Conduct” Section Q on page
22 3 as well as Article XII Section B on page 11 of their Transitional Shelter
23 Program Rules and Guidelines-- and potentially other policies and
24
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1 procedures in their company-- to prohibit and substantially compromise
2 Plaintiff from forming a friendship and/or romantic partnership with Victoria
3 Howard ("Vee"), Ryan, Dominic, Justin, and Valerie while he satisfied the
4 requirement of MCRRP to participate in the TSP by residing at the Salem
5 Navigation Center operated by Defendant.
6
7

8 10. Additionally, Defendant deprived Plaintiff of his due process rights
9 under the 14th Amendment by arbitrarily compelling him to sign a behavior
10 modification contract for sexual harassment when that conduct had not
11 been committed.
12
13
14

15 VI. Statement of Claim 16 17

18 11. The facts underlying the claim involves the ongoing enforcement
19 of Defendant's social contact and fraternization policies, which prohibits
20 Plaintiff from forming personal, meaningful connections with Vee and other
21 staff members, including engaging in personal conversations, developing
22 friendships, and pursuing romantic relationships inside and outside the
23 premises of Salem Navigation Center-- even when there is no supervisory
24 roles, professional conflict of interest, or a special need to apply those
25
26
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1 policies to Plaintiff to preserve his and staff members' safety and well-
2 being. The status of Defendant as a state actor and the specific rights
3 being deprived must be analyzed first before delving into the incidents
4 leading to the claim.
5
6
7

8 1. Public Function Test

9 12. The Public Function Test is used to determine if an entity is a state
10 actor, based on whether it performs a function that has been traditionally
11 reserved to the state.² Defendant primarily performs functions associated
12 with reducing and preventing poverty, which are functions traditionally held
13 by government. They are a CAA and are part of Oregon's community action
14 agency network, acting as the delivery system for state and federal
15 antipoverty funding programs dispersed by the Oregon Housing and
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25 ² Marsh v. Alabama, 326 U.S. 501 (1946);

26 <https://www.law.cornell.edu/supremecourt/text/326/501>
27
28

1 Community Services department (OHCS).^{3 4 5 6 7} Defendant's mission is
2 "empowering people to change their lives and exit poverty by providing vital
3 services and community leadership".⁸
4

5 13. The origin of CAAs such as Defendant dates back to President
6 Lyndon Johnson's War on Poverty initiatives. He signed the Economic
7 Opportunity Act (EOA) in 1964 to
8

9
10
11 14. "eliminate the paradox of poverty in the midst of plenty in this
12 Nation by opening to everyone the opportunity for education and
13
14

15 ³ OAR 813-230-0010(1), (2);

16 https://oregon.public.law/rules/oar_813-230-0010

17 ⁴ OAR 813-230-0000(3); https://oregon.public.law/rules/oar_813-230-0000

18 ⁵ OAR 813-230-0005; https://oregon.public.law/rules/oar_813-230-0005

19 ⁶ ORS 458.505(1), (2); https://oregon.public.law/statutes/ors_458.505

20 ⁷ Community Action Partnership of Oregon, Oregon's Anti-Poverty Network,
21 CAPO website, 4th row, 3rd column (accessed Feb. 14, 2025);

22 <https://www.caporegon.org/find-help>

23 ⁸ MWVCAA, Form 990 FY 2023, ProPublica, at 2, Part III, sec. 1

24 (May 13, 2024);

25 <https://projects.propublica.org/nonprofits/organizations/237056987/2024>
26 [41349349305799/full](https://projects.propublica.org/nonprofits/organizations/237056987/2024)

1 training, the opportunity to work, and the opportunity to live in decency
2 and dignity.”⁹
3
4

5 15. The formation of CAAs were authorized to “provide stimulation
6 and incentive for urban and rural communities to mobilize their resources to
7 combat poverty”.¹⁰ Due to the unique needs of local communities, CAAs
8 were deemed to be more appropriate to address poverty than a one-size-
9 fits-all approach of a federal agency.
10
11

12 16. The Omnibus Budget Reconciliation Act was passed in 1981,
13 which among other endeavors consolidated programs from the EOA and
14 established the Community Services Block Grant (CSBG) Program.^{11 12} The
15 main purpose of the program is to:
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19 ⁹ Economic Opportunity Act, Pub. L. No. 88-452, 78 Stat. 508, § 2, at 508
20 (Aug. 20, 1964); <https://uscode.house.gov/statutes/pl/88/452.pdf>

21 ¹⁰ Id, p. 516, Title II, Part A, Sec. 201.

22 ¹¹ The Community Services Block Grant, National Community Action
23 Foundation website; <https://www.ncaf.org/csbq/>

24 ¹² Omnibus Budget Reconciliation Act, Pub. L. No. 97-35, 95 Stat. 357,
25 at 511, Chapter 8, Sub-Chapter C, Subtitle B (Aug. 13, 1981);
26 <https://www.congress.gov/bill/97th-congress/house-bill/3982/text>
27

1 17. "provide a range of services and activities having a measurable
2 and potentially major impact on causes of poverty in the community or
3 those areas of the community where poverty is a particularly acute
4 problem".¹³

5
6
7 18. The Community Opportunities, Accountability, and Training and
8 Educational Services (COATES) Act was passed in 1998 to:
9

10
11
12 19. "amend the Head Start Act, the Low-Income Home Energy
13 Assistance Act of 1981, and the Community Services Block Grant Act
14 to reauthorize and make improvements to those Acts, to establish
15 demonstration projects that provide an opportunity for persons with
16 limited means to accumulate assets, and for other purposes."¹⁴
17

18
19 20. Under the COATES Act, the purpose of the CSBG is:
20
21

22 ¹³ Id, sec. 675(c)(1)(A).

23 ¹⁴ Community Opportunities, Accountability, and Training and Educational
24 Services Act of 1998, Pub. L. No. 105-285, 112 Stat. 2702,
25 at 2702, cl. 1 (Oct. 27, 1998);
26 <https://www.congress.gov/105/plaws/publ285/PLAW-105publ285.pdf>
27

1 21. “to provide assistance to States and local communities, working
2 through a network of community action agencies and other
3 neighborhood-based organizations, for the reduction of poverty, the
4 revitalization of low-income communities, and the empowerment of
5 low-income families and individuals in rural and urban areas to
6 become fully self-sufficient”.¹⁵
7
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9 22. As mentioned earlier, dispersing to CAAs the CSBG and other
10 government programs and funding addressing poverty throughout Oregon
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26 ¹⁵ Id, at 2728, Title II, Subtitle B, § 672(1).
27
28

1 is managed by OHCS.^{16 17} Those programs and funds are then coordinated
2 by the 17 CAAs throughout the state, including Defendant.^{18 19 20 21 22}
3

4 23. Oregon's Executive Order 23-02 was signed on January 10, 2023,
5 declaring a state of emergency due to a significant shortage of housing and
6

7
8 ¹⁶ OHCS, OHCS Agency Structure, OHCS website, Housing Stabilization
9 Division (accessed Feb. 13, 2025);

10 <https://www.oregon.gov/ohcs/about-us/Pages/agency-divisions.aspx>

11 ¹⁷ OHCS, Community Services Block Grant, OHCS website
12 (accessed Feb. 13, 2025);

13 <https://www.oregon.gov/ohcs/for-providers/Documents/factsheets/FACT>
14 [SHEET-CSBG.pdf](https://www.oregon.gov/ohcs/for-providers/Documents/factsheets/FACT)

15 ¹⁸ OHCS, Housing Stabilization Program Fact Sheet, OHCS website
16 (accessed Feb. 13, 2025);

17 <https://www.oregon.gov/ohcs/for-providers/Documents/factsheets/>
18 [FACTSHEET-HSP.pdf](https://www.oregon.gov/ohcs/for-providers/Documents/factsheets/)

19 ¹⁹ OHCS, Elderly Rental Assistance Program, OHCS website
20 (accessed Feb. 13, 2025);

21 <https://www.oregon.gov/ohcs/for-providers/Documents/factsheets/FACT>
22 [SHEET-ERA.pdf](https://www.oregon.gov/ohcs/for-providers/Documents/factsheets/FACT)

23 ²⁰ OHCS, Emergency Housing Assistance Fact Sheet, OHCS website
24 (Feb. 13, 2025);

25 <https://www.oregon.gov/ohcs/for-providers/Documents/factsheets/FACT>
26 [SHEET-EHA.pdf](https://www.oregon.gov/ohcs/for-providers/Documents/factsheets/FACT)

1 increases in unsheltered homelessness. The order was then extended in
2 2024 and 2025.^{23 24} Among other provisions, it directed OHCS to allocate
3 up to \$40-million appropriated to them for the 2021-2023 biennium to
4 respond to the state of emergency.²⁵ The Marion and Polk counties
5 Continuum of Care region-- the service area of Defendant-- was included in
6 the state of emergency declaration due to an increase in unsheltered
7 homelessness of 150% from 2017 to 2022.^{26 27}

11 ²¹ OHCS, Emergency Solutions Grant Fact Sheet, OHCS website
12 (Feb. 13, 2025);
13 <https://www.oregon.gov/ohcs/for-providers/Documents/factsheets/FACT>
14 [SHEET-ESG.pdf](https://www.oregon.gov/ohcs/for-providers/Documents/factsheets/FACT)

15 ²² OHCS, HOME Tenant Based Assistance Fact Sheet, OHCS website
16 (Feb. 13, 2025);
17 <https://www.oregon.gov/ohcs/for-providers/Documents/factsheets/>
18 [FACTSHEET-HTBA.pdf](https://www.oregon.gov/ohcs/for-providers/Documents/factsheets/)

19 ²³ Or. Exec. Order No. 24-02 (Jan. 9, 2024);
20 <https://www.oregon.gov/gov/eo/eo-24-02.pdf>

21 ²⁴ Or. Exec. Order No. 25-01 (Jan. 7, 2025);
22 <https://www.oregon.gov/gov/eo/eo-25-01.pdf>

23 ²⁵ Or. Exec. Order No. 23-02, at 4, § 2 (Jan. 10, 2023);
24 <https://www.oregon.gov/gov/eo/eo-23-02.pdf>

25 ²⁶ Id, at 1-2, ¶ 3.

26 ²⁷ Id, at 3, ¶ 4.

1 24. Oregon's HB 5019 became effective on the 29th of March, 2024,
2 allocating money from the General Fund to specified state agencies for
3 certain purposes related to housing. Within that spending bill, \$20,900,000
4 was allocated for the biennium ending June 30, 2023 to OHCS
5
6
7

8 25. "to increase shelter capacity and connections to shelter, support
9 rapid rehousing initiatives, provide capacity support for culturally
10 responsive organizations and provide sanitation services for
11 communities in designated homelessness emergency areas, based
12 on local plans submitted to the department."²⁸
13
14

15 26. \$64,300,000 was allocated for the biennium ending the 1st of July,
16 2023 to OHCS
17
18
19

20 27. "to increase shelter capacity and connections to shelter, support
21 rapid rehousing initiatives, provide capacity support for culturally
22

23 ²⁸ Or. H.B. 5019, 82d Legis. Assemb., Reg. Sess., § 4

24 (enrolled Mar. 29, 2023);

25 [https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocum](https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB5019/Enrolled)
26 [ent/HB5019/Enrolled](https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB5019/Enrolled)
27
28

1 responsive organizations and provide sanitation services for
2 communities in designated homelessness emergency areas, based
3 on local plans submitted to the department.”²⁹
4

5
6 28. Oregon’s SB 5701 became effective on the 17th of April, 2024,
7 appropriating money from the General Fund to specified state agencies for
8 biennial expenses. Within that spending bill, \$39,000,000 was allocated for
9 the biennium ending the 30th of June, 2025 to OHCS
10

11
12
13 29. “for deposit into the Long-Term Rent Assistance Fund established
14 by ORS 458.392, for rental assistance, supportive services, outreach
15 and other costs associated with rehousing people experiencing, or at
16 risk of experiencing, homelessness.”³⁰
17

18
19 30. These funding sources are the basis for the Oregon Rehousing
20 Initiative (ORI), a statewide program to rehouse and prevent
21

22 ²⁹ Id., § 5.

23 ³⁰ Or. S. B. 5701, 82d Legis. Assemb., Reg. Sess., § 36

24 (enrolled Apr. 17, 2024);

25 [https://olis.oregonlegislature.gov/liz/2024R1/Downloads/MeasureDocum](https://olis.oregonlegislature.gov/liz/2024R1/Downloads/MeasureDocument/SB5701/Enrolled)
26 [ent/SB5701/Enrolled](https://olis.oregonlegislature.gov/liz/2024R1/Downloads/MeasureDocument/SB5701/Enrolled)
27

1 homelessness.^{31 32} It was formed in response to the state of emergency.
2 Defendant operates a program based on ORI that accepts funding from it,
3 called the Marion County Rapid Rehousing Program (MCRRP). Kaela
4 Lombardi, Program Manager for the ARCHES Project (a subsidiary of
5 Defendant) confirmed this over email.³³ In order to be part of the program,
6 one must be a participant of their Transitional Shelter Program (TSP)
7 staying at one of the shelters they operate, such as ARCHES Inn, ARCHES
8 Lodge, or Salem Navigation Center. Plaintiff is a participant of the MCRRP
9 and TSP at Salem Navigation Center.
10
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13 31. The shelter serves the state's function of addressing the state of
14 emergency. Not only does it house unsheltered individuals waiting to be
15 pulled for permanent housing pursuant to the ORI and the MCRRP, it
16
17

18 ³¹ OAR-813-270-0020;

19 [https://secure.sos.state.or.us/oard/viewSingleRule.action?](https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=319541)
20 [ruleVrsnRsn=319541](https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=319541)

21 ³² OHCS, Oregon Rehousing Initiative Program Guidance Manual, at 4,
22 art. 1 (updated May 2024);

23 [https://www.oregon.gov/ohcs/for-providers/Documents/Oregon%20Reho](https://www.oregon.gov/ohcs/for-providers/Documents/Oregon%20Rehousing%20Initiative%20Program%20Guidance%20May%202024.pdf)
24 [using%20Initiative Program%20Guidance May%202024.pdf](https://www.oregon.gov/ohcs/for-providers/Documents/Oregon%20Rehousing%20Initiative%20Program%20Guidance%20May%202024.pdf)

25 ³³ Appendix 1 – Kasadu and Lombardi, Emails Between Blu and Kaela
26 (Oct. 29, 2024).
27

1 increases the capacity of available beds for unsheltered homeless
2 individuals throughout the state by 75, and connects individuals with social
3 services to stabilize their lives.^{34 35 36 37}

4
5 32. Three weeks following a city records request in April of 2023,
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11 ³⁴ Sheraz Sadiq, *New navigation center in Salem may help ease city's*
12 *growing homelessness crisis*, Oregon Public Broadcasting
13 (Apr. 3, 2023); [https://www.opb.org/article/2023/03/31/think-out-loud-](https://www.opb.org/article/2023/03/31/think-out-loud-new-navigation-center-salem-oregon-homelessness-crisis/)
14 [new-navigation-center-salem-oregon-homelessness-crisis/](https://www.opb.org/article/2023/03/31/think-out-loud-new-navigation-center-salem-oregon-homelessness-crisis/)

15 ³⁵ Whitney Woodworth, *Peek inside Salem's first homeless navigation*
16 *center*, Statesman Journal (Apr. 14, 2023);
17 [https://www.statesmanjournal.com/story/news/local/2023/04/14/salems-](https://www.statesmanjournal.com/story/news/local/2023/04/14/salems-first-ever-homeless-navigation-center-opens-doors/70112188007/)
18 [first-ever-homeless-navigation-center-opens-doors/70112188007/](https://www.statesmanjournal.com/story/news/local/2023/04/14/salems-first-ever-homeless-navigation-center-opens-doors/70112188007/)

19 ³⁶ Megan Allison, *New shelter space for Salem homeless set to open this*
20 *spring*, KATU News (Apr. 16, 2023); [https://katu.com/news/local/new-](https://katu.com/news/local/new-shelter-space-set-to-open-in-salem-this-spring-homeless-marion-county-oregon)
21 [shelter-space-set-to-open-in-salem-this-spring-homeless-marion-county-](https://katu.com/news/local/new-shelter-space-set-to-open-in-salem-this-spring-homeless-marion-county-oregon)
22 [oregon](https://katu.com/news/local/new-shelter-space-set-to-open-in-salem-this-spring-homeless-marion-county-oregon)

23 ³⁷ Abbey McDonald, *Yet to open, Salem's homeless navigation center could*
24 *be out of money by 2025*, Salem Reporter (May 19, 2023);
25 [https://www.salemreporter.com/2023/05/19/yet-to-open-salems-](https://www.salemreporter.com/2023/05/19/yet-to-open-salems-homeless-navigation-center-could-be-out-of-money-by-2025/)
26 [homeless-navigation-center-could-be-out-of-money-by-2025/](https://www.salemreporter.com/2023/05/19/yet-to-open-salems-homeless-navigation-center-could-be-out-of-money-by-2025/)

1 33. "Salem [...] released the city's 27-page contract with the Mid-
2 Willamette Valley Community Action Agency to operate the navigation
3 center and a spreadsheet showing funding sources through 2026".³⁸
4

5
6 34. Because Defendant serves the traditionally government function of
7 reducing and preventing poverty as a CAA, as well as addresses the state
8 of emergency with the MCRRP and TSP at Salem Navigation Center, they
9 generally qualify under the Public Function Test as a state actor and
10 specifically in the operation of the MCRRP and TSP at Salem Navigation
11 Center.
12
13
14
15

16 2. Nexus Test

17 35. The Nexus Test is used to determine if an entity is a state actor,
18 based on whether they are in a joint enterprise with the government.³⁹ In
19 addition to Defendant receiving resources from federal, state, and local
20 government entities in exchange for delivering financial and support
21
22

23
24 ³⁸ Id.

25 ³⁹ Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961);
26 <https://www.law.cornell.edu/supremecourt/text/365/715>
27

1 services to individuals experiencing poverty, City of Salem acted on the
2 framework of the state of emergency to form a mutually beneficial joint
3 enterprise with Defendant to launch the Salem Navigation Center. City of
4 Salem owns and maintains the building and property, while Defendant
5 operates the shelter's services. The building previously housed a
6 Department of Human Services (DHS) office.
7

8
9 36. To initially launch the facility, Salem Navigation Center received:
10

- 11
12
13 ◦ \$3-million in federal American Rescue Plan Act (ARPA) funds from
14 City of Salem to acquire and renovate the facility;
15
- 16 ◦ \$3-million in federal ARPA funds from Marion County to renovate
17 the facility;
18
- 19 ◦ \$3.2-million from OHCS for behavioral health services, facility
20 renovations, and day-to-day operations;
21
- 22 ◦ \$5-million from Oregon Department of Health Services (ODHS) for
23 day-to-day operations; and
24

- \$1.3-million in OHCS grant funds from MWVCAA.⁴⁰

37. Out of \$15.5-million to launch the shelter, the state directly provided 52% of funding, the county provided 19%, City of Salem provided 19%, and Defendant provided 8%. Over 90% of start-up costs were attributed to public entities. City of Salem also owns the property and building the shelter is housed in, and they maintain the premises while Defendant operates it.

38. Due to the close coordination and shared responsibility between Defendant and the government in addressing the state of emergency, implementing anti-poverty programs, and managing Salem Navigation Center, Defendant qualifies as a state actor under the Nexus Test.

⁴⁰ City of Salem, Salem Navigation Center, City of Salem website (accessed Feb. 14, 2025); <https://www.cityofsalem.net/government/shaping-salem-s-future/housing-shelter/learn-about-city-efforts-to-address-homelessness/salem-navigation-center>

3. State Compulsion Test

39. The State Compulsion Test is used to determine if an entity is a state actor, based on whether the government has significant coercive power over the entity's operations, and/or has provided significant encouragement for the entity to pursue its operations.⁴¹ The government has substantial coercive power over Defendant in regards to the operation of their company and the Salem Navigation Center. As mentioned earlier, there are laws authorizing CAAs as well as governing their structure and operations.

40. For instance, Defendant must have a community action board with one-third of its members consisting of public officials.⁴² Defendant has a board of 13 members, of which 5 (or 38%) are public officials; Cathy Clark (Mayor of Keizer),

⁴¹ Blum v. Yaretsky, 457 U.S. 991 (1982);

<https://www.law.cornell.edu/supremecourt/text/457/991>

⁴² ORS 458.505(4)(b)(A); https://oregon.public.law/statutes/ors_458.505

1 Eunice Kim (Long-Range Planning Manager for City of Salem's housing
2 production strategy),⁴³ Deanna Gwyn (Salem City Councilor, Ward 4),
3 Carlos Barrientos (Dallas City Councilor), and Frank Lonergan (Mayor of
4 Woodburn).⁴⁴ Additionally, Rudy Vigil was or is a Signals Intelligence
5 Analyst for the US Army.⁴⁵ Kevin Karvandi retired as Commander of Marion
6 County Sheriff's Office on the 29th of September, 2023.⁴⁶ Steve McCoid
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15 ⁴³ City of Salem, Contact, City of Salem website, Housing Production
16 Strategy (accessed Feb. 15, 2025);
17 [https://www.cityofsalem.net/government/shaping-salem-s-future/housing](https://www.cityofsalem.net/government/shaping-salem-s-future/housing-production-strategy)
18 [-production-strategy](https://www.cityofsalem.net/government/shaping-salem-s-future/housing-production-strategy)

19 ⁴⁴ MWVCAA, Board of Directors, MWVCAA website (accessed Feb. 15,
20 2025); <https://mwvcaa.org/about-us/board-of-directors/>

21 ⁴⁵ Vigil, Rudy Vigil's LinkedIn, LinkedIn website (accessed Feb. 15, 2025);
22 <https://www.linkedin.com/in/rudy-vigil-62587613b>

23 ⁴⁶ Parise, Please join us in congratulating Commander Kevin Karvandi on
24 his retirement, Nextdoor (Oct. 3, 2023); [https://nextdoor.com/agency-](https://nextdoor.com/agency-post/or/marion-county/marion-county-sheriffs-office/please-join-us-in-congratulating-commander-kevin-karvandi-on-his-retirement-295743258/)
25 [post/or/marion-county/marion-county-sheriffs-office/please-join-us-in-](https://nextdoor.com/agency-post/or/marion-county/marion-county-sheriffs-office/please-join-us-in-congratulating-commander-kevin-karvandi-on-his-retirement-295743258/)
26 [congratulating-commander-kevin-karvandi-on-his-retirement-295743258/](https://nextdoor.com/agency-post/or/marion-county/marion-county-sheriffs-office/please-join-us-in-congratulating-commander-kevin-karvandi-on-his-retirement-295743258/)
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1 was Salem City Councilor, Ward 4 between 2014-2019.^{47 48} Although the
2 afrementioned board members are not current public officials, their
3 experience and presence on the board adds a layer of pressure for
4 Defendant to act in the state's interests rather than independently of its
5 own.
6
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8 41. The grant agreements of the CSBG as well as other government
9 funding allocations likely carry specific conditions grantees such as
10 Defendant must adhere to, including constitutional requirements. Federal,
11 state, and local government officers overseeing the drafting, approving, and
12 signing of grant agreements and other contracts themselves operate under
13 their oath of office to support the US and state constitutions, respectively.
14 This includes: federal officers who oversaw contracts approving the ARPA
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18 ⁴⁷ Rose, Steve McCoid wins South Salem's Ward 4 seat, Statesman
19 Journal (May 20, 2014);
20 [https://www.statesmanjournal.com/story/news/politics/elections/2014/05/](https://www.statesmanjournal.com/story/news/politics/elections/2014/05/21/ward-race-close-call/9363351/)
21 [21/ward-race-close-call/9363351/](https://www.statesmanjournal.com/story/news/politics/elections/2014/05/21/ward-race-close-call/9363351/)

22 ⁴⁸ Bach, *Jackie Leung joins Salem City Council as third bridge debate,*
23 *Costco appeal loom*, Statesman Journal (reprinted in Buckeyes Wire,
24 Jan. 15, 2019);
25 [https://buckeyeswire.usatoday.com/story/news/2019/01/15/salem-city-](https://buckeyeswire.usatoday.com/story/news/2019/01/15/salem-city-council-costco-third-bridge-debate-jackie-leung/2572876002/)
26 [council-costco-third-bridge-debate-jackie-leung/2572876002/](https://buckeyeswire.usatoday.com/story/news/2019/01/15/salem-city-council-costco-third-bridge-debate-jackie-leung/2572876002/)
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1 funds and CSBG funds for state and local governments;⁴⁹ state officers of
2 OHCS and ODHS who oversaw approving contracts to fund the MCRRP
3 and Salem Navigation Center;^{50 51} officers of Marion County who oversaw
4 approving contracts for funding the shelter;⁵² and the City of Salem mayor,
5 councilors, and officers who oversaw approving contracts with Defendant to
6 operate the shelter.^{53 54 55} Their oath restricts them to only support
7 recipients of their resources so long as those recipients do not violate the
8 constitutional rights of the employees, independent contractors, patrons,
9 and/or clients subject to those resources. Otherwise, those public servants
10 violate their oath to support the respective constitutions.
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18 ⁴⁹ 5 U.S.C. § 3331; <https://www.law.cornell.edu/uscode/text/5/3331>

19 ⁵⁰ Or. Const. art. XV, § 3;

20 https://www.oregonlegislature.gov/bills_laws/Pages/OrConst.aspx

21 ⁵¹ Or. Const. art. III, § 1.

22 ⁵² ORS 204.020(2); https://oregon.public.law/statutes/ors_204.020

23 ⁵³ ORS 221.908; https://oregon.public.law/statutes/ors_221.908

24 ⁵⁴ ORS 221.903; https://oregon.public.law/statutes/ors_221.903

25 ⁵⁵ City of Salem, Oregon, Charter, pmbl. (effective Jan. 1, 2023);

26 <https://www.cityofsalem.net/government/laws-rules/city-charter>

1 42. Defendant must have agreed to preserve the constitutional rights
2 of individuals such as Plaintiff in order to receive the resources from the
3 government to operate the company, the MCRRP and TSP at Salem
4 Navigation Center. Therefore, Defendant has either violated the conditions
5 of their contracts by violating Plaintiff's constitutional rights, or the
6 government failed to include constitutional requirements in their contracts
7 with Defendant. Coercive power was present but was not executed
8 successfully, if at all.
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12 43. In addition to providing resources, the government has provided
13 substantial encouragement for Defendant to operate the MCRRP and TSP
14 at Salem Navigation Center. City of Salem Mayor Chris Hoy has spoken to
15 reporters in the context of this encouragement, calling the shelter the
16 "crown jewel" of the city and regarding the city themselves as being directly
17 involved in the shelter's operations. An article published by Abbey
18 McDonald of Salem Reporter illustrated his perspective.
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23 44. "When asked why the city would open the center without
24 identifying sustained funding, Mayor Chris Hoy said that they knew a
25 funding search was part of the task going into the project.
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1 45. 'Because we're in a humanitarian crisis. We have to do it. We
2 didn't have a choice,' he said. 'People are dying in the streets. We
3 can't let that go on.'⁵⁶
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6 46. A transcript of an interview between Dave Miller of Oregon Public
7 Broadcasting, Nicole Utz of Oregon Housing Authority, and Mayor Chris
8 Hoy further demonstrates the city's support, where Mayor Chris Hoy said,
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12 47. " 'The navigation center is really a temporary shelter whereas
13 permanent supportive housing is just what it sounds like. It can be
14 permanent, the people can live there forever and it's actual housing,
15 whereas the navigation center is really the first step off of the street.
16 It's the first step out of a tent. It's where we assess individuals. We
17 figure out what it is that they're gonna need to be successful, whether
18 that's getting into drug and alcohol treatment, mental health treatment,
19 whether they have physical health issues, whatever it is that they
20 need, That navigation center is the place.
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23 ⁵⁶ McDonald, *Yet to open, Salem's homeless navigation center could be out*
24 *of money by 2025*, Salem Reporter (May 19, 2023);
25 [https://www.salemreporter.com/2023/05/19/yet-to-open-salems-](https://www.salemreporter.com/2023/05/19/yet-to-open-salems-homeless-navigation-center-could-be-out-of-money-by-2025/)
26 [homeless-navigation-center-could-be-out-of-money-by-2025/](https://www.salemreporter.com/2023/05/19/yet-to-open-salems-homeless-navigation-center-could-be-out-of-money-by-2025/)
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1 48. It's a low barrier shelter where people can come and stay for a
2 period of time, maybe up to 60, 90 days, while we're getting them
3 ready to go off to their next place. Whether it's permanent supportive
4 housing, whether it's an affordable housing unit, or whether it's a
5 market rate unit at that point, it's whatever the individual needs. That's
6 how we really try to address it, folks here as we figure out where each
7 person is, we meet them where they're at, and we try to help them get
8 to the next, more positive place.' ⁵⁷

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11 49. In an article by Whitney Woodworth of Statesman Journal, Mayor
12 Chris Hoy is also quoted regarding the Salem Navigation Center.
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16 50. " 'Low-barrier shelters are instrumental in solving this crisis, and
17 we've been impatiently waiting for this to open,' Mayor Chris Hoy said.
18 'Before long, these 75 beds will be filled with folks who were
19 previously on the streets. Imagine the difference this shelter will make
20 in their lives.'

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23 ⁵⁷Sadiq, *New navigation center in Salem may help ease city's growing*
24 *homelessness crisis*, Oregon Public Broadcasting (Apr. 3, 2023);
25 [https://www.opb.org/article/2023/03/31/think-out-loud-new-navigation-](https://www.opb.org/article/2023/03/31/think-out-loud-new-navigation-center-salem-oregon-homelessness-crisis/)
26 [center-salem-oregon-homelessness-crisis/](https://www.opb.org/article/2023/03/31/think-out-loud-new-navigation-center-salem-oregon-homelessness-crisis/)
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1 51. He called the center [...] a 'crown jewel' among the new projects
2 designed to help end homelessness."⁵⁸
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5 52. In addition to the encouragement given toward Defendant's
6 operation of the MCRRP and TSP at Salem Navigation Center by Mayor
7 Chris Hoy and the various public entities funding the shelter, the state
8 provided encouragement for Defendant to perform as a CAA through the
9 decisions of public officials on its board, and the state's structure of
10 designating CAAs and integrating them as part of OHCS' anti-poverty
11 programs. Operations that include applying Defendant's policies and
12 procedures to clients and staff, such as Plaintiff, Vee, and other staff
13 members.
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17 53. In the consideration of the coercive power of the aforementioned
18 public entities and officials to hold Defendant accountable for constitutional
19 violations in the operation of the company and their programs at Salem
20 Navigation Center, as well as their encouragement of Defendant's
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23 ⁵⁸ Woodworth, Whitney, *Peek inside Salem's first homeless navigation*
24 *center*, Statesman Journal (Apr. 14, 2023);
25 [https://www.statesmanjournal.com/story/news/local/2023/04/14/salems-](https://www.statesmanjournal.com/story/news/local/2023/04/14/salems-first-ever-homeless-navigation-center-opens-doors/70112188007/)
26 [first-ever-homeless-navigation-center-opens-doors/70112188007/](https://www.statesmanjournal.com/story/news/local/2023/04/14/salems-first-ever-homeless-navigation-center-opens-doors/70112188007/)
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1 operations, Defendant qualifies as a state actor under the State
2 Compulsion Test.
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6 4. Entwinement Test

7 54. The Entwinement Test is used to determine if an entity is a state
8 actor, based on whether the entity and the government's structure and/or
9 operations are so closely intertwined that the actions of the entity can be
10 attributed to the government.⁵⁹ With their designation as a CAA,
11 Defendant's organizational structure and operations are designed to be
12 integrated with federal and state resource delivery systems for local anti-
13 poverty programs. As such, CAAs such as Defendant are an essential
14 component of the government's effort to locally address the state of
15 emergency as well as generally reduce and prevent poverty.
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19 55. Over one-third of Defendant's board of directors consist of public
20 officials. MCRRP is funded and governed by OHCS.⁶⁰ Greater than 90% of
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23 ⁵⁹ Brentwood Academy v. Tennessee Secondary School Athletic Assn., 531
24 U.S. 288 (2001); <https://www.law.cornell.edu/supct/html/99-901.ZO.html>

25 ⁶⁰ OAR 813-270-0080;
26 <https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID>
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1 funding to launch Salem Navigation Center was from government sources.
2 City of Salem owns and maintains the shelter, and they refer to themselves
3 as being part of the shelter as if it is their project. It is as if Defendant was
4 hired by the government to operate the MCRRP and TSP at Salem
5 Navigation Center.
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8 56. Due to the pervasiveness of government involvement in the
9 operations and structure of Defendant, the MCRRP, and TSP at Salem
10 Navigation Center, Defendant qualifies as a state actor under the
11 Entwinement Test.
12
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14 57. In the totality of the circumstances, Defendant is a state actor in
15 their operations generally and while operating the MCRRP and TSP
16 specifically. Therefore, this court has jurisdiction over this claim against
17 Defendant for deprivation of Plaintiff's civil rights.
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26 ruleVrsnRsn=319547
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5. Right of Administrative Due Process

58. State actors, such as Defendant, is subject to due process protections under the 14th Amendment to the US Constitution in the administration of their services.⁶¹ This requires them to act in a fair and just manner, to base their decisions on reason and evidence, to allow for a hearing wherein a recipient of services may dispute any decision to deprive them of those services, and to provide an appeal process for decisions made. A decision by Defendant to compel a client to sign a behavior modification contract must be an evidence-based disciplinary action, and not a decision made arbitrarily.⁶²

6. Right of Association & Privacy

59. Plaintiff has a fundamental right to form intimate associations of friendships and romantic partners.⁶³ Additionally, he has a fundamental right

⁶¹ Mathews v. Eldridge, 424 U.S. 319 (1976);

<https://www.law.cornell.edu/supremecourt/text/424/319>

⁶² West Coast Hotel Co. v. Parrish, 300 U.S. 379 (1937);

<https://www.law.cornell.edu/supremecourt/text/300/379>

⁶³ Roberts v. U.S. Jaycees, 468 U.S. 609 (1984);

<https://www.law.cornell.edu/supremecourt/text/468/609>

1 to a zone of privacy associated with his intimate associations.⁶⁴ These
2 rights are established penumbras under: the 1st Amendment right of free
3 speech and assembly; the 4th Amendment right to be secure in one's
4 person, houses, papers, and effects, against unreasonable searches and
5 seizures of their intimate associations; the unenumerated privacy rights of
6 the 9th Amendment, and the 14th Amendment protections classifying
7 Plaintiff's right to form and maintain intimate associations as well as his
8 right to the privacy of his intimate associations as fundamental rights
9 affording strict scrutiny under substantive due process.⁶⁵

13 60. Forming an intimate association primarily involves socially and
14 emotionally connecting with an individual, the connection of which becomes
15 more complex and involved over time. It is a process of building trust
16 through social interactions such as communicating and receiving words of
17 affirmation, conducting and accepting acts of service, sending and
18 receiving gifts, spending quality time with an individual,
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22 ⁶⁴ Eisenstadt v. Baird, 405 U.S. 438 (1972);

23 <https://www.law.cornell.edu/supremecourt/text/405/438>

24 ⁶⁵ Legal Information Institute, Substantive Due Process,, Cornell Law
25 School website (accessed Feb. 19, 2025);

26 https://www.law.cornell.edu/wex/substantive_due_process

1 and physical touch.⁶⁶ Plaintiff's right to privacy protects him from
2 government intrusion on the private capacities of his pursuit to form and
3 maintain intimate associations, such as his interactions with an individual
4 beyond the public capacities of a company designated as a state actor.
5 Although, there are narrow exceptions deemed compelling interests to
6 regulating the formation and maintenance of intimate associations, such as
7 prohibiting sexual contact in the workplace and excessive interaction that
8 adversely impacts productivity.
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12 61. The right to form intimate associations is less common in the legal
13 system than protections of intimate associations already formed, but it is
14 included within the protections for the reasons that follow. Protections for
15 intimate associations already formed rely on a designation of social status
16 in relation to another individual. They are either a friend, a family member,
17 or a romantic partner largely because the other individual involved agrees.
18 However, making such designation is not always so clearly defined or
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23 ⁶⁶ Davis, *What Are the 5 Love Languages? Definition and Examples*,
24 Psychology Today (Sep. 28, 2020);
25 [https://www.psychologytoday.com/us/blog/click-here-happiness/202009/
26 what-are-the-5-love-languages-definition-and-examples](https://www.psychologytoday.com/us/blog/click-here-happiness/202009/what-are-the-5-love-languages-definition-and-examples)
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28

1 agreeable, and it does not take into account the importance of the essential
2 steps to develop an intimate association.
3

4 62. It would not be reasonable for a citizen to only have protections for
5 intimate associations already formed due to how dynamic social status can
6 be among two individuals. They may start out as strangers before moving
7 on to acquaintances. That status may evolve over time as they develop
8 experiences and memories, both good and bad. Bad experiences can
9 seem like they should be avoided, but being able and willing to resolve
10 conflict between two people is a strong indicator of whether those people
11 value each other, whether they will stick around through hard times, and
12 whether they are willing to deal with the less desirable parts of each other.
13 There may be phases where two individuals test one another to see where
14 their limits are. Ultimately, the way in which they navigate the rollercoaster
15 of human connection may support building trust with each other as they
16 form an intimate association. During this process, their social status toward
17 one another may change for better or worse.
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23 63. At one point, they may consider themselves friends. Then an
24 event occurs that causes distrust, and they become acquaintances for
25 awhile before making amends. At which point, their friendship becomes
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1 stronger than before the conflict. By only applying heightened protections
2 when they consider themselves friends, their budding intimate association
3 becomes more exposed to government intrusion when they have bad
4 experiences that causes them to disengage. This does not appear just or
5 fair since those bad experiences become essential to the strength of their
6 intimate association.
7

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9 64. When an individual is not ready to take a step forward in a
10 personal connection or express their feelings toward another, it can build
11 adverse social and emotional pressure for them to be placed in a situation
12 where they are compelled to express whether they are in an intimate
13 association with someone. People may be sensitive regarding their
14 connections. They may not handle well being pushed to actively make a
15 choice as to whether they are willing to enter into an intimate association,
16 rather than passively existing in one. The term itself at face value alludes to
17 a romantic gesture. Having The Court rely on an expression of one's social
18 status to establish constitutional protections for the intimate association in
19 controversy could potentially sabotage that association.
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24 65. Relying on the testimony of two individuals to bring forward a
25 claim for deprivation of the right of association is not compatible with the
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1 nation's democratic system of civil rights because it only recognizes
2 individual rights, not collective rights. If the right of association means
3 anything, it is the right of the individual to be free from unwarranted
4 governmental intrusion into matters so fundamentally affecting a person as
5 the decision whether to form an intimate association.⁶⁷ It does not account
6 for whether the individual one has chosen to form an intimate association
7 with agrees to also develop that connection, as the choice involves efforts
8 to convince one another. They could still be considering their own decision.

12 66. Plaintiff perceives Vee as a friend, whom he admires and values.
13 She is fun and engaging, intelligent, hard-working, attractive, and a
14 fantastic artist. Beyond that, she has a unique personality that as a whole
15 inspires Plaintiff to want to be in her sphere of influence. Although, he often
16 struggles to talk to her out of nervousness, and that has been a contributing
17 factor to their ability to connect. She seems to want to discover what kind of
18 man Plaintiff is before making a decision whether to include him in her life
19 on a long-term basis, but she still shares with him personal details of her
20 life as though he is her friend. Vee tiptoes around the fraternization rules to

25 ⁶⁷ Eisenstadt v. Baird, 405 U.S. 438 (1972);

26 <https://www.law.cornell.edu/supremecourt/text/405/438>

1 engage with Plaintiff, while also maintaining the impression she is unwilling
2 to break the rules to engage with him. For instance, she does not ask him
3 any questions about his own life.
4

5 67. It has been a rollercoaster of an experience, trying to figure out
6 how to connect with her without being in trouble with Defendant, which
7 seems to have resulted in multiple moments of her integrating with him and
8 disengaging. Plaintiff has always been interested in learning more about
9 her, has given her space when she was upset with him, invited her to have
10 coffee with him, asked for her number, given her gifts to help remind her he
11 is a source of support, reassured her, and posted words of reassurance on
12 his social media profile in the hopes she would see them. He has also
13 made many mistakes over the last several months, such as words he has
14 said without thinking that may have offended her, failed to carry
15 conversations with her due to nervousness or drawing a blank, and missed
16 nonverbal cues.
17

18 68. Even though an intimate association has not been recognized
19 herein this case as being formed and complete, Plaintiff's acts-- whether a
20 successful or failed attempt-- to form an intimate association with Vee and
21 other staff members in the MCRRP and TSP at Salem Navigation Center
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1 as well as maintain the privacy rights of those acts are nonetheless
2 protected fundamental rights. By exerting pressure on Plaintiff, Vee, and
3 other staff members to refrain from social contact and personal connection
4 with Plaintiff through those policies and procedures, Defendant deprived
5 and compromised his ability to form intimate associations with them and
6 maintain his privacy in relation to those connections.
7
8

9 10 7. Fraternization Policies

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12 69. The policies in question principally involves the fraternization rules
13 under Article "Social Conduct" Section Q and P on page 3 as well as Article
14 XII Section B on page 11 of Defendant's Transitional Shelter Program
15 Rules and Guidelines. Section Q states,
16
17

18
19 70. "Fraternization is defined as, but not limited to: sexual contact
20 between staff and client; social contact between staff and client other
21 than that scheduled by the program; or asking questions of a personal
22 or sexual nature. Physical or intimate relations of a sexual nature
23 between the following are strictly prohibited:
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- Clients and staff
- Clients and clients”⁶⁸

71. Section P states,

72. “Tips, gifts or business transactions between clients and staff are not permitted, including but not limited to the following:

- The lending or borrowing of money, regardless of the amount
- The payment for services, such as washing cars, working around staff members’ homes, etc.
- The selling of items between clients and staff.”⁶⁹

73. Section B states,

74. “Fraternization includes but not limited to:

- Sexual contact;
- Social contact other than that scheduled by the program;
- Asking questions of a personal or sexual nature;

⁶⁸ Appendix 2 - MWVCAA, Transitional Shelter Rules and Guidelines, at 3, Article Social Conduct, Section Q (Aug. 2023).

⁶⁹ Id, Section P.

- Excessive familiarity; and
- Ongoing business relationships.”⁷⁰

75. The language in particular adversely impacting Plaintiff's rights are those defining fraternization as social contact between a staff member and client other than that scheduled by the program, asking questions of a personal nature, and excessive familiarity. That language effectively prohibits Plaintiff from acting to form a friendship or romantic partnership with Vee and/or other staff members while in the MCRRP and TSP at Salem Navigation Center. Otherwise, disciplinary action may result such as a write-up, temporary trespass, or a complete exit from the MCRRP and TSP. The policies also compromise his ability to form a friendship or romantic partnership with them because they are required by Defendant's policies to reject Plaintiff's attempts at connecting meaningfully with them in order to preserve their job. Defendant did not have jurisdiction to apply those policies or to offer Plaintiff participation in the MCRRP and TSP in exchange for waiving Plaintiff's rights in the agreement of his

⁷⁰ Id, at 11, Article XII, Section B.

1 understanding and adherence of the policies and procedures subject to him
2 while a member of the program.⁷¹
3

4 76. There are likely other policies as well that reflect fraternization
5 rules beyond the Transitional Shelter Rules and Guidelines, such as
6 employee policies and procedures. However, staff members at Salem
7 Navigation Center were either unable or unwilling to furnish a copy to
8 Plaintiff to analyze those rules.
9
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11

12 8. Restricting Personal Connections

13 77. The primary events giving rise to this claim occurred at Salem
14 Navigation Center in Salem, Oregon, and the date and approximate time
15 occurred within the time-frame of November 2024 - 11th of February, 2025.
16 Although, the fraternization policies have been in effect on Plaintiff starting
17 around the 27th of November, 2023 up to the present day. There was a
18 specific incident that occurred near the entrance of the shelter on the 10th
19 of February, 2025 at or around 6:00 PM, as well as two incidents the
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25 ⁷¹ Appendix 3 – Kasadu and Morales, Policy Acknowledgement &
26 Agreements (Nov. 29, 2023).
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1 following day in the morning and afternoon respectively around the
2 premises of the shelter.
3

4 78. Vee was Plaintiff's case manager at Salem Navigation Center for
5 several months before November 2024. During that time, he developed a
6 personal interest in her. However, she has not been his case manager
7 since either September or October 2024, so he is no longer under her
8 supervision or decision-making authority.
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10 79. Plaintiff is nonetheless prohibited from expressing his personal
11 interest toward Vee or engaging in any meaningful personal connection
12 with her. This includes actions such as asking her personal questions,
13 giving her gifts, and spending time with her outside of the shelter setting.
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15 80. In order to preserve her job, Vee is required to reject Plaintiff,
16 ignore him, and dismiss him, especially when he attempts to build a
17 personal connection with her. Plaintiff cannot determine with confidence
18 whether her rejections are a genuine reflection of her feelings, or if they are
19 actions directly inspired by concern that she may have her employment
20 terminated by reciprocating his attempts to connect with her.
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22 81. In Plaintiff's perspective, Vee has projected mixed messages
23 toward him reflecting mixed feelings, as if she has entertained the idea of
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1 developing a personal interest in him but that she is still processing
2 personal matters in her life and is more concerned about being terminated
3 from her job as Case Manager.
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5 82. It is possible Vee's bosses-- Kimberly Carpenter and Zachary
6 Diaz-- could be approaching her with an ultimatum to shut down her
7 feelings and reject Plaintiff or be terminated. She seems to act differently
8 towards Plaintiff when she is not around her bosses. When they are
9 around, she is rather stand-off-ish and dismissive of him, such as avoiding
10 eye contact and conversations with him. Sometimes, even projecting that
11 she outright dislikes him. At other times when her bosses are not around,
12 she has warmer relations toward Plaintiff, maintains eye contact, and is
13 generally more open to conversing with him about her personal life.
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19 9. Valentine's Gifts

20 83. For instance, on the evening of the 10th of February, 2025 at or
21 around 6:00 PM, Plaintiff approached Vee to ask if she would play
22 Superfight with him (a card game). She rejected his invitation, stating she
23 was about to leave for the night. He then asked her if he could talk with her
24 outside the building before she left for the evening. It was assumed her
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1 bosses had gone home for the day. She accepted, and the two went
2 outside in the area of the entrance to talk. At first, she thought he had a
3 problem with another client, and she wanted to wait until the following day
4 to talk about it. Plaintiff told her he had something for her for Valentine's
5 Day. She smiled and seemed enthusiastic about it, asking what it was. He
6 brought out from his pocket a red rose head that had been preserved and
7 housed in a clear plastic case formed like a faceted crystal box. She
8 seemed interested, smelling it, feeling it, and pondering on how it was
9 preserved.
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13 84. Plaintiff then brought out a small black velvet bag with a blue
14 sandstone worry stone in it. She took it out and observed it for some time,
15 noticing how it sparkled and telling him something along the lines of that
16 giving her stones was a good idea. Her words implied she liked receiving
17 them and that if Plaintiff was going to give her another gift in the future that
18 she recommended gemstones. Additionally, she told him she put the rose
19 quartz worry stone he previously gave her on her new lamp and that he
20 should see it sometime, implying that he should visit her office at some
21 point in the future.
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1 85. Plaintiff then pulled out a Taco Bell sauce packet with the words "I
2 Like [blank]" on it, with "You" and a heart written in pen on the blank spot,
3 completing the phrase "I Like You" with a heart. Vee mentioned that when
4 he previously gave her a Taco Bell sauce packet a few days previously
5 (that had "You're Cute!" printed on it), she had trouble reading it at first
6 because he put it on the box she was carrying. It must have fallen before
7 she could make out what it said. Although when he approached her during
8 lunch that day to tell her he did not mean it as a jab, she ignored him. He
9 assumed it was because she was standing next to Kim while serving lunch
10 and did not want to be in trouble for making social contact with him.
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15 86. Vee conveyed that she appreciated the Valentine's gifts. Plaintiff
16 responded by stating he appreciated her. Then she talked about how she
17 would be moving to Washington County at the end of the month and that if
18 Defendant could not hire Case Managers who were willing to work at
19 Salem Navigation Center, she would be quitting because of an
20 overwhelming case load and that it would be an hour drive. He told her that
21 it is not too bad (of a distance), implying he would have no trouble making
22 the effort to visit her. Then he asked her if he could have her number before
23 she left her job. She agreed to give it to him when she leaves, implying she
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1 could not do so while she worked there. Plaintiff asked if she would stay if
2 he found someone to hire by the end of the month. She gave a firm yes. He
3 asked her if he would see her tomorrow, and she told him she would be in
4 at 7:00 AM the following day. They parted ways, and he told her to be safe.
5

6 87. No where within the interaction did Plaintiff have the impression
7 Vee felt nervous, uncomfortable, shameful, guilty, frustrated, or agitated.
8 She did not appear to be lying to avoid rejecting him or in a hurry to leave.
9 Neither did she appear averted by Plaintiff's effort to share his gifts or to
10 chat with her in any way. During the interaction, her voice was steady and
11 casual. She generally looked him in the eyes without fear when speaking.
12 Her facial expressions were not showing signs of adverse reactions, and
13 she did not shift in any uncomfortable way. Neither of her feet were pointed
14 towards the path to her vehicle, which may have suggested her desire to
15 leave the interaction. She did not make any excuses to leave shortly after
16 receiving the gifts. Instead, Vee projected that she was genuinely invested
17 in reassuring Plaintiff that his gifts were appreciated by her. She articulated
18 personal details in connection to each gift such as her preference for
19 gemstones, and that he should see in her office where she placed the other
20 stone he gave her. Additionally, she stayed longer to connect with him after
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1 receiving the gifts, warning him of big changes in her life potentially
2 happening in the near future that could adversely impact their ability to
3 connect.
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6 10. Morning Aversion
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8 88. The morning of the 11th of February, 2025 around 9:00 – 11:00
9 AM, Plaintiff was finishing his walk around the block when he noticed Vee
10 loitering outside with Kim. She seemed stand-off-ish towards him as usual
11 around her bosses, averting her eyes to the ground when she saw him
12 walk up. Plaintiff informed Vee that he would be applying to the Case
13 Manager position, and asked her what she thought about it. He had spent
14 the previous evening and that morning, gathering signatures to use as
15 references and he was excited to tell her. She conveyed that she would
16 think he would want to be away from the shelter when he can. Her tone and
17 body language gave Plaintiff the impression she felt defeated or otherwise
18 frustrated. She was looking at the ground with a frown, her hands in her
19 pockets, clearing pine needles from the sidewalk with her shoe as if
20 distracted or lost in thought.
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1 89. Kim told Plaintiff she talked to Zach about hiring him, who told her
2 that Plaintiff would likely not be eligible for hire since he stays at the center
3 and would have to wait six months before being eligible for hire after
4 leaving. Plaintiff told Kim he would try requesting an exemption with the
5 higher-ups. She asked him what was going on with the MCRRP. He
6 responded that they were waiting on him.
7

9 90. Plaintiff needs to file a civil complaint in county court to discover
10 why certain funds within the MCRRP are no longer available. The answers
11 he had been given were inadequate, and the grievance and appeals filed
12 within the company were denied. Additionally, Plaintiff has been working on
13 appealing other cases that take precedence.
14

16 91. In response to asking again what Vee thought about Plaintiff
17 applying for the Case Manager position, Kim mentioned Vee would not be a
18 decision-maker in hiring him. He told Kim it was not about her being a
19 decision-maker, but what she thought about the idea personally. Vee did
20 not respond, and instead was still shifting pine needles with her shoe.
21 Kimberly either asked if Vee wanted to talk to Zach or if she was ready to
22 talk to him. Vee again did not respond, but continued clearing pine needles
23 from the sidewalk. There was a bit of a pause before Kim said to her that
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1 she was waiting on her, and Vee slowly made her way to the door to return
2 back into the shelter. It was as if Vee did not want to return to the building,
3 and that she was still trying to rationalize with something in her mind or
4 delay a task she did not want to do. Perhaps she did not want to go through
5 with talking to Zach.
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9 11. The Meeting

10 92. Later that day-- potentially around 3:00 PM-- Plaintiff was
11 approached by Kim at the shelter, who asked if he had time to talk. He
12 followed her to the conference room just south of the building's lobby,
13 where Zach was sitting at a table. Plaintiff sat down, and Kim closed the
14 door.
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17 93. There were pictures of the gifts Plaintiff had given Vee printed out
18 on computer paper and laid out on the table. Plaintiff could tell they were
19 taken by Vee on account of her hands holding the gifts in the pictures. It
20 seemed as if she took the pictures in her car after receiving them, and sent
21 them to someone by text message. The background of the pictures
22 appeared to be the inside of a vehicle, and the lighting gave the impression
23 it was dark outside. Plaintiff did not see copies of any text messages
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1 corresponding to the pictures, so it could not be determined under what
2 premise her bosses obtained those pictures. Kim and Zach informed
3 Plaintiff that Vee felt uncomfortable about receiving the gifts, and that it
4 needed to stop. Zach conveyed he knew about the Taco Bell sauce packet
5 with "You're Cute!" printed on it, and Plaintiff's offer to help Vee with food
6 stamps. In those instances, Kim was present.
7

9 94. Kim and Zach brought up a note Plaintiff had given Vee before,
10 which they had to talk to him about at the time because Vee did not
11 appreciate it due to personal matters Plaintiff brought up in the note that he
12 was not aware at the time he should not have brought up. Several months
13 had passed since that incident, which occurred probably around September
14 or October of 2024. It prompted her to be removed as his case manager.
15 Within that time and the 10th of February, 2025, Vee had slowly become
16 amicable again after a period of aversion towards Plaintiff.
17

18 95. Plaintiff was informed at the meeting with Kim and Zach that Vee
19 could lose her job as a result of connecting with him on a personal level,
20 implying that violating the fraternization policies could cause her
21 termination. Kim gave an example that someone once asked for Kim's
22 phone number and if she had given out her number, she could have been
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1 fired. Zach and Kim downplayed an interaction Plaintiff perceived as a hint,
2 where during conversation he told Vee to let him know if she needed
3 anything and as she walked away, she gave him a smile that seemed to
4 project she may have an interest in him.
5

6 96. Plaintiff requested Vee to be in the room while having the meeting.
7
8 She entered the room after some time, sat between them, and proceeded
9 to explain how she has trauma from rejecting people who in the past have
10 retaliate against her in response. This apparently causes Vee to have
11 trouble saying no to people, including Plaintiff. She noted how she did not
12 want to be rude when he gave her the gifts, that her job was at stake, that
13 she likes to keep her personal and professional lives separate, that she had
14 no romantic intentions with Plaintiff, and that he knows what she is going
15 through in relation to not being ready to be in a relationship. Plaintiff
16 conveyed he was not trying to be in a relationship with her at that time, but
17 that he had the impression she was interested in him and that he felt their
18 connection was heading in that direction. Against his better judgment,
19 Plaintiff asked if her feelings would change if he left the shelter. She
20 confirmed it would not. Kim looked at Zach with a sneer, asking if that made
21 them uncomfortable. It was as if Kim had made the statement to inspire
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1 them to agree with her. No one responded. Vee asked how she was giving
2 Plaintiff the impression she had feelings for him. He provided the same
3 example as he gave Kim and Zach. She did not respond. After she left the
4 room, Plaintiff was placed on a behavior modification contract (basically a
5 write-up). They asked what he could do to make sure it did not happen
6 again, and what they could do to help him. Plaintiff responded by stating he
7 was shutting down at the moment, that he just hurt himself a lot, and that
8 he needed to sit with it for awhile. Then he left the room. It was later
9 determined that Zach had added onto the contract that Plaintiff had
10 conducted an act of sexual harassment in addition to giving a staff member
11 an unwanted gift.⁷²

12 97. Due to the interactions between Vee and Plaintiff over the past 4-5
13 months in relation to the meeting and its location, he cannot determine with
14 confidence whether she was being fully honest in the meeting. If she was
15 not, then she may have been compelled to lie to preserve her job, and/or
16 was not ready to express what she felt about him beyond subtle hints of
17 personal interest spread about the last several months. The majority of
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25 ⁷² Appendix 4 – Kasadu and Diaz, Behavior Modification Contract,
26 MWVCAA (Feb. 11, 2025).
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1 those hints are not discussed herein this complaint, as hints of interest in
2 general are performed in ways that are easy to discredit.
3

4 98. Her statement at the meeting that she had difficulty rejecting
5 Plaintiff due to trauma seems unfounded. She has a strong personality, and
6 has had plenty of practice in the past rejecting Plaintiff while her bosses
7 were around. Vee rejected Plaintiff's request to play Superfight with him
8 within moments of asking her if he could talk with her outside, wherein he
9 gave her the Valentine's gifts. He certainly felt rejected when she removed
10 herself as his case manager several months ago. Each time, Plaintiff did
11 not retaliate.
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14 99. In fact, when she could not make it to work on a day she agreed to
15 play Superfight with him, he followed up in a calm and nonchalant manner,
16 telling her to let him know next time she could not make it so he would not
17 be waiting around for her. Then he offered his food stamp card to her,
18 thinking her hours had been cut and she needed some form of extra
19 funding since she made too much to qualify for benefits. Vee rejected that
20 offer without any retaliation from Plaintiff, letting him know he
21 misunderstood her circumstance at the time.
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1 100. The conference room where the meeting was held has a camera
2 in it where management in the company were able to observe and record
3 the meeting. There are multiple cameras inside and outside the building.
4 Vee was sitting with her bosses at both sides of her. She may have
5 continued her usual facade in front of them and/or she may have been
6 pressured by them to shut down Plaintiff to ensure she was not terminated
7 for any suspected fraternization. The video recording of the meeting could
8 be used as evidence in the event one of the bosses questioned whether
9 Vee was fraternizing with Plaintiff.
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13 101. Vee's bosses may have noticed that for a few days prior to giving
14 her the Valentine's gifts, Plaintiff was sitting in the lobby of the shelter with
15 his laptop, as opposed to his usual spot. He wanted more opportunities to
16 interact with her, so he sat in a spot he would not be in sight of her vehicle
17 (so as not to appear creepy or possessive). He also felt guilty for ignoring
18 her telling him "bye" the previous day thinking she was on the phone, so he
19 tried to make up for it by sitting near where they were when he ignored her
20 to convey she had his attention. She did not seem to mind that at all, and
21 they did have a few amicable interactions.
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102. It is possible Vee's bosses anticipated Plaintiff giving her a Valentine's gift on account of him sitting in the lobby. They may have told her and others to report any gift-giving around Valentine's Day. She could have been excited to tell someone about her new gifts and told Kim, who may have then reported it to Zach. Someone may have been watching the cameras and listening to the audio when Plaintiff asked her to chat outside, where he gave her the gifts. There is a camera in the lobby, as well as a camera within a yard or so of where they had the conversation. They are capable of recording audio. Whoever may have been watching the cameras may have contacted Vee shortly after Plaintiff gave her the gifts, telling her to send them pictures of the gifts and pressuring her to reject Plaintiff using the camera feed as leverage. Kim mentioned she could not personally fraternize with others. Perhaps she perceives it to be unfair for Vee to be able to. The statements made by Vee at the meeting appeared to be a reflection of stereotypical professional boundaries, as if she was regurgitating what her bosses wanted her to say, or what she thought they wanted to hear.

103. It could be that pressuring Vee to reject Plaintiff is a means to push him out to permanent housing, since Defendant's MCRRP contacted

1 him on the 6th of February, 2025, pressuring him to search for permanent
2 housing to move into.⁷³ Plaintiff stood against their pressure, stating he had
3 cases he needed to work on before moving forward with the civil claim for
4 the funding conflicts in their program and the fraternization rules. The
5 claims against Defendant need to be resolved before he can continue to
6 participate in the MCRRP. One involves funding that is not being allocated
7 to him for housing and supportive services, and the other is the claim
8 herein. Plaintiff conveyed he was willing to contact them every 30 days to
9 provide updates on his progress. They stated he had until the end of the
10 month to participate-- look for housing-- or they would have to exit him from
11 the MCRRP. Plaintiff rebuttaled by stating he would have to file another civil
12 claim to be placed back on the program due to them violating
13 administrative due process under the 14th Amendment as state actors,
14 since they were presenting him with an unfair process.
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20 104. Sexual harassment was not discussed at the meeting. Neither
21 was there any sexual connotation involved in giving Vee the gifts. Plaintiff
22 does not believe she was aware he was being placed on a behavior
23 modification contract for that reason. He believes it was an attempt by Zach
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26 ⁷³ Appendix 5 – Emails Between Mike, Kaela, and Blu (Feb. 6-7, 2025).
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1 and/or Kim to control Plaintiff's behavior from any future interactions with
2 Vee, and/or to pressure him to pursue housing instead of staying at the
3 Salem Navigation Center while working through his legal cases.
4

5 105. Either of these scenarios would explain Vee's demeanor and
6 reactions when she was given her Valentine's gifts, her frustrated
7 demeanor the following morning, and her attitude changes in relation to the
8 presence of her bosses over the last several months. She may be trying to
9 balance and rationalize with the personal matters causing her aversion to
10 romance, preservation of her job, and a secret but sprouting radicle of
11 interest in Plaintiff. Meanwhile, her bosses are certainly intolerant of
12 fraternization and may be overly cautious of a personal connection
13 between Vee and Plaintiff, thereby inspiring them monitor Vee and Plaintiff.
14
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16 106. Nonetheless, the fraternization rules are contributing to a
17 colossal rift between Vee and Plaintiff. It attempts to justify Defendant
18 disciplining them for having social contact and developing a personal
19 connection with one another, regardless if it amounts to a friendship or
20 something more. The policies compromise Plaintiff's ability to make the
21 effort to form an intimate association with Vee, such as sharing social
22 interactions with her, exchanging personal questions with one another,
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1 giving and receiving each other's gifts, exchanging personal phone
2 numbers, and inviting one another to have coffee, tea, or beer outside the
3 shelter setting. She is required as part of her job to reject his social
4 interactions with her, thereby negating any progress in his efforts before he
5 has a genuine opportunity. She does not even appear comfortable looking
6 him in the eye when her bosses are around.
7

9 107. The fraternization policies applied by Defendant in the operation
10 of the MCRRP and TSP at Salem Navigation Center therefore violates
11 Plaintiff's fundamental right to form an intimate association with Vee--
12 wherein he seeks to be her friend or romantic partner-- as well as his right
13 to privacy regarding such formation of association. The personal
14 connection between him and Vee as well as any efforts either of them
15 make to develop that connection is not within Defendant's jurisdiction to
16 prohibit, regulate, or to compel disclosure of, with the exception of narrowly
17 tailored circumstances explained herein this complaint. Neither can they
18 prohibit Plaintiff and Vee from having personal contact outside of the
19 shelter location and beyond work hours.
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1 12. Other Staff Members

2 108. Defendant's fraternization policies also prohibit Plaintiff from
3 attempting to form intimate associations with other staff members, such as
4 Ryan, Dominic, Justin, and Valerie. For instance, Plaintiff would like to meet
5 with them outside of the shelter setting and perhaps have coffee, tea, or a
6 beer together. However, he is prohibited from visiting with them outside the
7 shelter setting without the threat of them being terminated from their job
8 and Plaintiff being exited from the shelter.
9

10 109. Generally, Plaintiff cannot effectively connect with staff members
11 at the shelter in a meaningful way without being able to have social contact
12 outside of what is scheduled or to ask them personal questions. It is as
13 though he is required by Defendant's fraternization policies to be socially
14 isolated from staff members while participating in the MCRRP and TSP at
15 Salem Navigation Center. The only way Plaintiff can obtain their contact
16 information is within a narrow scope of time as he transitions out of the
17 shelter. That is not an efficient or guaranteed means of maintaining contact
18 with those people. Building a personal connection with an individual leading
19 up to them becoming comfortable with Plaintiff having their contact
20 information takes time, and the necessary social conduct is not allowed at
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1 the shelter. Such a personal connection could not reasonably be developed
2 within the narrow window of time Plaintiff is transitioning out of the shelter.
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4 110. The fraternization rules therefore violate Plaintiff's right to form
5 friendships with Ryan, Dominic, Justin, and Valerie by having social contact
6 with them, exchanging personal questions with one another, and generally
7 visiting with them outside the shelter setting. The right to privacy of his
8 attempts to form such associations was also violated, as Defendant
9 attempted to prohibit them from having personal contact outside of the
10 shelter location and beyond work hours.
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1 13. State's Interest

2 111. Substantive due process applies heightened protection from
3 deprivation of certain rights deemed fundamental to our society.^{74 75 76 77}
4 These protections require the government to prove a compelling reason
5 exists to justify depriving an individual of their fundamental rights. The
6 means of deprivation must be narrowly tailored to a compelling reason by
7 the state, and be the least restrictive available option of depriving the right
8 in controversy.
9

10 112. Defendant may bring forward several arguments conveying that
11 the state has a compelling interest to allow the fraternization rules to stand.
12 Potential arguments will be explored herein this section.
13

14 113. First, the state does not have a compelling reason to apply their
15 fraternization rules to prohibit Plaintiff from forming an intimate association
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17 ⁷⁴ Meyer v. Nebraska, 262 U.S. 390 (1923);
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19 <https://www.law.cornell.edu/supremecourt/text/262/390>
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21 ⁷⁵ Griswold v Connecticut 381 U.S. 479 (1965);
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23 <https://www.law.cornell.edu/supremecourt/text/381/479>
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25 ⁷⁶ Benton v. Maryland, 395 U.S. 784 (1969);
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27 <https://www.law.cornell.edu/supremecourt/text/395/784>
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⁷⁷ Obergefell v. Hodges, 576 U.S. 644 (2015);
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<https://www.law.cornell.edu/supremecourt/text/14-556>
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1 with Vee on the basis of nepotism because she has no supervisory or
2 decision-making authority over him as she is no longer his case manager. If
3 she was his case manager, Defendant could allow Plaintiff to switch case
4 managers with another client or be added on to the case load of another
5 case manager.
6
7

8 114. Defendant does not have a compelling reason to apply their
9 fraternization rules to prohibit Plaintiff from forming an intimate association
10 with Ryan, Dominic, Justin, or Valerie on the basis of nepotism because
11 their jobs as site assistants are more of an advisory position over clients
12 rather than one that is disciplinary. They can assist clients with de-
13 escalating highly charged conflicts, but decisions on disciplinary actions are
14 ultimately the responsibility of case managers. Therefore, they have no
15 inherent supervisory or decision-making power over clients.
16
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18 115. The potential for conflict is not a compelling interest for the state
19 to prohibit fraternization at Salem Navigation Center. Any conflict that may
20 arise from an intimate association between Plaintiff and Vee or other staff
21 members could be handled on a case-by-case basis, primarily between
22 them personally. If Defendant must become involved due to significant
23 disruptions in the orderly pursuit of their goals in the MCRRP or TSP at
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1 Salem Navigation Center, the subject matter would involve the disruption
2 rather than the intimate association. They can issue verbal warnings,
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4 compel mediation in the company, implement behavior modifications,
5 and/or compel attendance in mental health counseling. Salem Navigation
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7 Center has an on-site mental health counselor available, and other case
8
9 managers and program managers can assist with mediating conflicts
10
11 between individuals who cannot resolve it themselves.

12 116. Defendant has demonstrated on the 11th of February, 2025 that
13 they can organize mediation sessions between Plaintiff and Vee in the
14
15 event a conflict arises from an intimate association they could not resolve
16
17 on their own at Salem Navigation Center. These measures are no different
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19 than an employee and/or client having unresolved conflict with another at
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21 the shelter, generally. Fraternization rules are not required in order to
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23 execute those measures, and they can be requested or prompted based on
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25 need and availability. If a conflict was truly unresolvable after taking the
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27 aforementioned measures and it persisted in creating a hostile
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29 environment, Plaintiff, Vee, and/or other staff members could be moved to
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31 another transitional shelter facility operated by Defendant, such as

1 ARCHES Inn.⁷⁸ The worst case scenario being termination from their job or
2 Plaintiff being exited from the MCRRP and TSP.
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4 117. A trauma-informed care organizational model that recommends
5 deterring fraternization is not a compelling interest for Defendant to restrict
6 Plaintiff's right to form intimate associations with Vee and other staff
7 members. That would imply that abstaining from developing personal
8 relations is necessary to reduce the risk of adversely impacting Plaintiff's or
9 Vee's psychological health as they recover from a diagnosed mental
10 illness. There is no record from a licensed psychiatrist or psychologist
11 diagnosing Plaintiff with a mental illness, nor any recommendation from
12 one specifying that Plaintiff should for health concerns refrain from social
13 contact and forming intimate associations with staff members.
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17 118. Vee's statement at the meeting regarding her having trauma and
18 being unable to reject people is not compelling enough to justify
19 fraternization rules. This is not to disregard any trauma she may have, and
20 Plaintiff herein emphasizes that he cares about her well-being. However,
21 she has on multiple occasions rejected Plaintiff, so it appears she does not
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25 ⁷⁸ MWVCAA, ARCHES Inn Renovation, MWVCAA website (accessed Feb.
26 17, 2025); <https://mwvcaa.org/projects/arches-inn-renovation/>
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1 experience trauma symptoms when rejecting him. After being at the shelter
2 for over a year and having her as his case manager for several months,
3 she should know by now that Plaintiff is not someone who would bring
4 harm to her.
5

6 119. Beyond Plaintiff, it is simply human nature to connect, so it would
7 be common for her to be presented with situations where she would have
8 to make a choice to agree or reject an invitation of some sort. She is a
9 unique and attractive individual. It is likely there will be people she meets
10 from all walks of life, who may want to be in her sphere of influence for one
11 reason or another. As a case manager, meeting new people is extremely
12 common. Rejecting someone and preparing for ways to handle any
13 retaliation is a skill she needs to have as part of her job, or else she places
14 herself at risk of harm; not the absence of fraternization rules.
15

16 120. If the fraternization rules were not in place and she had trouble
17 rejecting someone, she could still request assistance from her bosses or
18 another employee to inform the individual not to have social contact with
19 her in the ways that make her uncomfortable. In the absence of being able
20 to use the fraternization rules as an excuse to reject someone, she could
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1 pivot to saying she keeps her personal and professional lives separate, just
2 as she mentioned at the meeting.
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4 121. The discrepancy in the present matter is that she may have been
5 compelled by the fraternization rules and pressure from her bosses to
6 maintain face by lying, seeing no other option at the time. That could have
7 been what she was pondering while moving the pine needles with her
8 shoe, and it explains her conflicting behavior over the last several months.
9 Making the claim that she has trauma associated with rejecting people
10 would be a good cover in response to her bosses catching her accepting
11 Plaintiff's gifts and offering reassurance that they were appreciated. Either
12 that, or it would be a good cover if her bosses compelled her to make that
13 statement, since it would ordinarily discredit Plaintiff's and anyone else's
14 perception of fraternization that may have occurred thus far between him
15 and Vee. Nevertheless, her statements at the meeting carries significant
16 doubt, and they do not establish a compelling reason to apply fraternization
17 rules at Salem Navigation Center.
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23 122. Defendant may argue that Plaintiff's unhoused status is indicative
24 of psychological vulnerability that carries a significant risk of leading to an
25 unhealthy relationship with Vee and other staff members. That would be
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1 speculative, and relies on a licensed psychiatrist or psychologist to spend
2 time analyzing the psychological health of Plaintiff while in an unhoused
3 condition. In which point, they would likely pass their recommendations to
4 Plaintiff to give to his case manager so they can facilitate trauma-informed
5 care. There is no such record.
6
7

8 123. Defendant may argue that the efficiency of labor is a compelling
9 reason to deter social contact and fraternization, as though spending time
10 socializing in a personal fashion reduces work productivity. However,
11 workplace relationships and the social interactions therein have been
12 shown to improve well-being, job satisfaction, and job performance.⁷⁹ Well-
13 being has been shown to improve work productivity.⁸⁰ Social interaction has
14 been shown to improve both learning and teaching, skills that are essential
15 to job performance.⁸¹ Low social support has been shown to contribute to
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19 ⁷⁹ Birmingham et al., Social Connections in the Workplace, 38 American
20 Journal of Health Promotion 886-891 (2024);
21 <https://journals.sagepub.com/doi/epub/10.1177/08901171241255204b>

22 ⁸⁰ Sachs et al., *Global Happiness and Wellbeing Policy Report*, at 73-94,
23 Chptr. 5, Employee Well-being, Productivity, and Firm Performance:
24 Evidence and Case Studies (2019);
25 <https://s3.amazonaws.com/ghwbpr-2019/UAE/GHWPR19.pdf>

26 ⁸¹ Hurst et al., *The impact of social interaction on student learning*, 52
27
28

1 adverse mental health outcomes, such as depression and anxiety.⁸²

2 Symptoms of depression and anxiety have been shown to contribute to
3 losses in work productivity.⁸³ Also, Plaintiff and Vee or other staff members
4 connecting outside of work hours would have no inherent impact on
5 productivity during work hours, yet the fraternization rules prohibit it
6 anyway.
7

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9 124. Defendant may argue that staff members already have
10 opportunities for social interaction and support among other employees, so
11 forming personal connections with clients is unnecessary or would lead to
12

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14 Reading Horizons 375 (2013);

15 [https://bearworks.missouristate.edu/cgi/viewcontent.cgi?](https://bearworks.missouristate.edu/cgi/viewcontent.cgi?article=1022&context=articles-coe)
16 [article=1022&context=articles-coe](https://bearworks.missouristate.edu/cgi/viewcontent.cgi?article=1022&context=articles-coe)

17 ⁸² P.J. Wickramaratne et al., Social Connectedness as a Determinant of
18 Mental Health: A Scoping Review, 17 PLOS ONE e0275611
19 (Oct. 13, 2022);

20 <https://pmc.ncbi.nlm.nih.gov/articles/PMC9560615/pdf/pone.0275004.pdf>
21 [f](https://pmc.ncbi.nlm.nih.gov/articles/PMC9560615/pdf/pone.0275004.pdf)

22 ⁸³ Oliveira, *The Role of Mental Health on Workplace Productivity: A Critical*
23 *Review of the Literature*, 21 Applied Health Economics and Health Policy
24 167–193 (Nov. 15, 2022);

25 [https://pmc.ncbi.nlm.nih.gov/articles/PMC9663290/pdf/40258_2022_Arti](https://pmc.ncbi.nlm.nih.gov/articles/PMC9663290/pdf/40258_2022_Article_761.pdf)
26 [cle_761.pdf](https://pmc.ncbi.nlm.nih.gov/articles/PMC9663290/pdf/40258_2022_Article_761.pdf)
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1 productivity losses. However, the more diverse an individual's social
2 portfolio is, the more likely they are to have a healthy well-being.⁸⁴

3
4 Connecting with other clients at Salem Navigation Center may result in a
5 staff member experiencing a safer work environment, since they would be
6 able to better anticipate the client's behavior and motivations than if they
7 did not form a connection with them. Additionally, connecting with clients on
8 a personal level may allow staff members to discover more about how they
9 can meet their needs. Even if the staff member is not a client's case
10 manager, they can still assist informing other staff members about the client
11 based on their interactions so that they can collectively anticipate the client
12 and their needs. Personal connections with clients may then improve
13 productivity rather than reduce it and overall result in a safer work
14 environment, even if subjectively.

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19 125. Defendant may argue there is no time for Plaintiff and Vee or
20 another staff member to have social contact. However, social contact is

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22 ⁸⁴ Collins et al., *Relational diversity in social portfolios predicts well-being*,
23 119 PNAS e2120668119 (Oct. 17, 2022);
24 [https://www.hbs.edu/ris/Publication%20Files/Relational%20Diversity%20](https://www.hbs.edu/ris/Publication%20Files/Relational%20Diversity%20in%20Social%20Portfolios%20Predicts%20Well%20Being_d606bf1c-4c59-411c-84f0-f8dca0cebcad.pdf)
25 [in%20Social%20Portfolios%20Predicts%20Well%20Being_d606bf1c-4c](https://www.hbs.edu/ris/Publication%20Files/Relational%20Diversity%20in%20Social%20Portfolios%20Predicts%20Well%20Being_d606bf1c-4c59-411c-84f0-f8dca0cebcad.pdf)
26 [59-411c-84f0-f8dca0cebcad.pdf](https://www.hbs.edu/ris/Publication%20Files/Relational%20Diversity%20in%20Social%20Portfolios%20Predicts%20Well%20Being_d606bf1c-4c59-411c-84f0-f8dca0cebcad.pdf)

1 common in the workplace due to proximity and the demand of moving
2 about the shelter whenever necessary. One may notice after spending a
3 few days at the Salem Navigation Center that social interactions between
4 staff members or staff members and clients is a common occurrence. It
5 creates an environment of livability, of belonging and safety. Clients are
6 expected to trust staff members to facilitate a safe environment. It would be
7 reasonable to presume staff members would need to socially connect with
8 clients on a personal level to make them feel safe.
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12 126. Staff members working long hours in an office such as in Vee's
13 position as case manager should certainly stand up and take a walk around
14 every once in awhile, or there may be reductions in productivity due to
15 depression, anxiety, and/or overall stress. Staff members are known to
16 stand outside to smoke or catch some fresh air. They may pass through the
17 halls, and take a moment to spark up a quick conversation before
18 continuing with their work. There are plenty of opportunities for Plaintiff and
19 Vee or other staff members to have social interactions in-between tasks.
20 Even if there was absolutely no time available during work hours, it does
21 not excuse Defendant from prohibiting Plaintiff, Vee, and other staff
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1 members from forming intimate associations with one another outside of
2 work hours.
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4 127. Overall, the state's interest in prohibiting social contact and
5 intimate associations between clients and staff members such as Plaintiff,
6 Vee, and other staff members is not compelling enough to justify
7 Defendant's prohibition of their right to form intimate associations with one
8 another while participating in the MCRRP and TSP at Salem Navigation
9 Center. Defendant's fraternization rules too broadly restricts individuals who
10 have no supervisory or decision-making authority at work, and who have
11 not been diagnosed with post-traumatic stress disorder or other mental
12 health conditions in such a way as to necessitate refraining from forming
13 intimate associations at Salem Navigation Center. Social contact is not
14 likely to inherently adversely impact psychological health or productivity, but
15 may improve them. The way in which an employee and client manages
16 their time and potential conflicts within the intimate association would be a
17 stronger indicator whether the social contact has any adverse impact on
18 productivity. There are disciplinary steps already available aside from
19 fraternization rules to address any resulting performance issues or
20 unresolved conflict. The fraternization rules applied by Defendant through
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1 the MCRRP and TSP at Salem Navigation Center are therefore
2 unconstitutional, and Plaintiff respectfully requests this court to strike them
3 down.
4

5 6 VII. Injuries 7

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9 128. The injuries of Plaintiff sustained by Defendant's actions to
10 prohibit social contact and personal connections with Vee and other staff
11 members are social and psychological in nature. He cannot determine with
12 confidence whether Vee was being completely honest at the meeting on
13 the 11th of February, 2025. There was so much pressure for her to lie due
14 to the fraternization policies applied at Salem Navigation Center if indeed
15 she does have a budding personal interest in Plaintiff, whether platonic or
16 romantic. If those feelings were present but not strong enough yet to
17 express, the meeting may have sabotaged what could have been an
18 intimate association. She may not even be comfortable with him as her
19 friend.
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24 129. What he can determine with confidence is that the fraternization
25 policies applied at Salem Navigation Center has at times influenced her
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1 reluctance to connect with Plaintiff in meaningful ways, and has adversely
2 influenced his attempts to socially connect with her, to invite her for a
3 beverage outside the shelter setting, to give her gifts, to show her that he is
4 a safe person to have in her life, and that he is worthy of being an important
5 part of it. Overall, their communication climate is highly complicated and
6 has suffered primarily because of Defendant's policies.
7

8
9 130. Denying Plaintiff's right to form an intimate association with Vee
10 through the fraternization policies has been psychologically debilitating, as
11 he experiences and foresees experiencing significant grief, anxiety,
12 depression, frustration, confusion, and general mental anguish in response
13 to the prospect of never being able to become a secure facet in Vee's life
14 and her in his life.
15

16
17 131. Prohibiting Plaintiff from building personal connections with other
18 staff members such as Ryan, Dominic, Justin, and Valerie is likewise
19 deeply violating socially and psychologically, as if the company is
20 exercising an unwarranted overreach of power over Plaintiff's life when he
21 would like to form meaningful and enduring connections with them as well.
22

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24 132. The false allegations of sexual harassment made by Zach is
25 particularly damaging to Plaintiff's reputation. It is humiliating to be accused
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1 of sexual harassment, especially when he did not perform that conduct.
2 That accusation has further complicated his ability to form a meaningful
3 connection with Vee.
4

5 6 VIII. Relief 7

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9 133. Plaintiff is requesting injunctive relief in the form of an order,
10 formally designating Defendant as a state actor in their operations
11 generally and in the operation of the MCRRP and TSP at Salem Navigation
12 Center.
13

14 134. Additionally, he is requesting injunctive relief in the form of an
15 order, striking for failure to pass strict scrutiny the following from Article
16 Social Conduct, Section Q on page 3 of Defendant's Transitional Shelter
17 Program Rules and Guidelines: the sentence "social contact between staff
18 and client other than that scheduled by the program", and the words
19 "personal or" from the phrase "asking questions of a personal or sexual
20 nature".
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24 135. Additionally, he is requesting injunctive relief in the form of an
25 order, striking for failure to pass strict scrutiny the following from Article
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1 Social Conduct, Section P on page 3 of Defendant's Transitional Shelter
2 Program Rules and Guidelines: the word "gifts".
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4 136. Additionally, Plaintiff is requesting injunctive relief in the form of
5 an order, striking for failure to pass strict scrutiny the following from Article
6 XII, Section B on page 11 of Defendant's Transitional Shelter Program
7 Rules and Guidelines: the sentence "social contact other than that
8 scheduled by the program"; the words "personal or" from the phrase
9 "asking questions of a personal or sexual nature; and the words "excessive
10 familiarity".
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13 137. Additionally, Plaintiff is requesting injunctive relief in the form of
14 an order, striking for failure to pass strict scrutiny any and all of Defendant's
15 policies and procedures throughout the company that prohibits all staff
16 members and clients from forming intimate associations with one another.
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19 138. Additionally, Plaintiff is requesting injunctive relief in the form of
20 an order, compelling Defendant to revise all of the policies and procedures
21 within their authority impacting their staff members' and clients' right to form
22 intimate associations with one another in the MCRRP and TSP and the
23 associated privacy rights for the purpose of preserving those rights, based
24 on a test to determine if a fraternization policy rule is compelling and
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1 narrowly tailored with the least restrictive means, weighing the following
2 factors:
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5 (a) whether a staff member subject to the formation of an intimate
6 association with a client carries supervisory and/or decision-making
7 authority over the client;
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10 (b) whether there are avenues available to remove supervision and/or
11 decision-making authority when an intimate association is realized;
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13
14 (c) whether there are policies and/or procedures available other than
15 those prohibiting the formation of intimate associations that are
16 narrowly tailored to addressing the safety and well-being of staff and
17 clients in a similar manner as fraternization rules seek to address;
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19 and
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22 (d) whether reasonable accommodations between two individuals in
23 an intimate association could be made available in the event a
24 breakdown in the intimate association occurred and caused such
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1 hostility between them that it may result in a hostile work
2 environment.
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5 139. Additionally, Plaintiff is requesting injunctive relief in the form of
6 an order, compelling Defendant to retract the 2-11-2025 behavior
7 modification contract, remove it from their system of records, and send
8 Plaintiff confirmation by letter conveying that such actions have been
9 completed.
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13 IX. Certification and Closing
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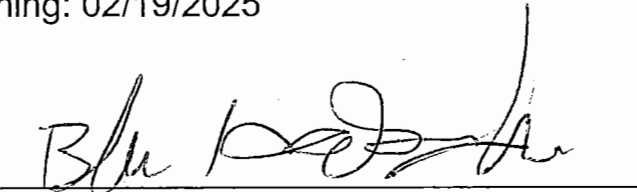
15
16 140. Under Federal Rule of Civil Procedure 11, by signing below,
17 Plaintiff certifies to the best of his knowledge, information, and belief that
18 this complaint:
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- 20
21 • is not being presented for an improper purpose, such as to harass,
22 cause unnecessary delay, or needlessly increase the cost of litigation;
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- is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law;
- the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- the complaint otherwise complies with the requirements of Rule 11.

141. Plaintiff agrees to provide the Clerk's Office with any changes to his address where case-related papers may be served. He understands that his failure to keep a current address on file with the Clerk's Office may result in the dismissal of his case.

142. Date of signing: 02/19/2025

Signature of Plaintiff: 

Printed Name of Plaintiff: Blu Kasadu